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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/810,906 | 03/27/2004 | Joseph Fernand Dechene | Dechene | 9427 |

7590

09/08/2005

Joseph Dechene
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| EXAMINER |
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FERGUSON, MARISSA L

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| ART UNIT | PAPER NUMBER |
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2854

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|--|--|--|
| Office Action Summary | Application No. 10/810,906 | Applicant(s) DECHENE, JOSEPH FERNAND | |
| | Examiner Marissa L. Ferguson | Art Unit 2854 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-56 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 38-56 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 27 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 38-45, 48, 50, 52 and 54-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conway (US Patent 5,410,333).

Regarding claims 38, 39, 44, 45 and 54-56, Conway teaches a hand-holdable device (10) and method comprising a plurality of user input keys on a back side (Figures 1 and 2), a set of handles and contours to position the user's hands and fingers in appropriate alignment and placement to a set of home keys of said user input keys (Figure 1), whereby handles contour and allow hand holding of a device while leaving the user's thumbs and fingers to be free (Figure 1) and whereby handles and contours maintain overall position of the user's hands even as the user uses back side input keys to rapidly input data and whereby a user can hold a device (10) and rapidly input data (Figure 1). Conway does teach the basic concept of the contours but does not explicitly disclose contours having guide contours positioned to line up substantially with the base of the user's index fingers and/or the lower edges when the user's hands are placed on the home key positions and whereby the handles and contours maintain overall position of the user's hands even as the user hands rotates to access the input keys that are not home keys.

However, it would be obvious that different sized hands would match up differently on the keyboard. A larger set of hands would result in a match up with the keys and less rotation. The hands can be placed to match up with the locations as claimed.

Regarding claim 40, Conway teaches a split keyboard on a back side, whereby the user's left hand fingers accesses one portion of a split keyboard, and the user's right hand fingers access the other portion of said split keyboard (Figure 3).

Regarding claim 41, Conway provides a plurality of home keys that have inherent tactile markings for rapid identification and position.

Regarding claim 42, Conway teaches back side input keys that are arranged to accommodate the natural motion and reach of the user's fingers from said home keys position (Figure 1).

Regarding claim 43, Conway teaches wherein back side keys comprise of a split qwerty keyboard and home keys consisting of characters a, s, d, and f for the left hand and j, k, l, and ; for the right hand, whereby rapid data entry is accomplished by touch typing on a keyboard (Figure 3).

Regarding claim 48, Conway teaches a set of front side input keys (44,48), wherein front side input keys may be of less used keys and control keys.

Regarding claim 50, Conway teaches an extended display on a front side, a portion of the extended display can act as an arrangement of virtual front input keys as needed (Column 6, Lines 62,63).

Regarding claim 52, Conway teaches other computer functions such as cursor

Control (66), communication, connectivity (50), drives and screen input (Column 6, Lines 56-62).

2. Claims 46,47,49 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conway (US Patent 5,410,333) in view of Goodenough (US Publication 2003/0193477).

Regarding claim 46, Conway teaches the invention claimed with the exception of handles with inserts that accommodate for differences in hand size/user preferences. Goodenough teaches screw inserts (12 and 19) to accommodate for different hand sizes. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention as taught by Conway to include inserts as taught by Goodenough, since Goodenough teaches it is advantageous to provide comfort for users with larger and/or smaller hands.

Regarding claim 47, Conway teaches the invention claimed with the exception of a set of handle sensors that prevents key strokes. Goodenough teaches switches (10 and 21) that function as sensors when both are depressed by the user. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention as taught by Conway to include sensor switches as taught by Goodenough, since Goodenough teaches that it is advantageous to allow the user to handle the device or sit it down while it is powered on, without having extraneous keystrokes entered.

Regarding claims 49 and 51, Conway teaches the invention claimed with the exception of surface features on a front side that provides a sense of position for an

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arrangement of front input keys, whereby allowing quick user location of an arrangement of front input keys and a set of physical keys and a display on a front side. Goodenough teaches a hand-held double sided keyboard device that discloses handles that adjust allowing for different hand sizes, an arrangement of input keys on a front surface (1-9) and a display on a front surface (14).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention as taught by Conway to include front input keys on a display as taught by Goodenough, since Goodenough teaches that it is advantageous to allow the user to type multiple key sequences without moving fingers away from the home position.

3. Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over Conway (US Patent 5,410,333) in view of <http://kotishivu.mtv3.fi/seppo/example2.html>.

Conway teaches the claimed invention with the exception of a device with back side keys comprising a single row of back side keys for each hand and a front side comprising of shifters to select alternative input characters for each key of back side keys. <http://kotishivu.mtv3.fi/seppo/example2.html> teaches a hand held device with a single row of back side keys corresponding with each of the respective hands and control keys located on the front (Page 3, Top figure). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention as taught by Conway to replace a split keyboard of a back side thereof, with a single row of back side keys and include front control keys as taught by <http://kotishivu.mtv3.fi/seppo/example2.html>, since <http://kotishivu.mtv3.fi/seppo/>

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example2.html teaches that it is advantageous to provide a comfortable hand-held device.

Response to Arguments

4. Applicant's arguments with respect to claims 1-37 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa L Ferguson whose telephone number is (571)

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272-2163. The examiner can normally be reached on (M-T) 6:30am-4:00pm and every other (F) 7:30am-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marissa L Ferguson
Examiner
Art Unit 2854



ANDREW H. HIRSHFELD
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